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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

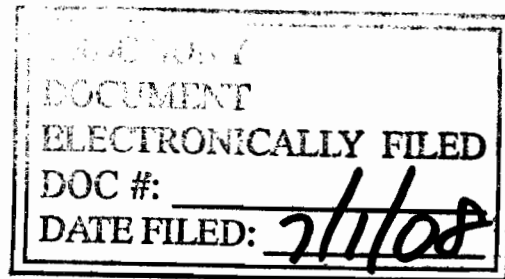
ARCH INSURANCE COMPANY

Plaintiff,

v.

JOHN D. AGOGLIA, et al.

Defendants.



No. 08-CIV-5252 (GEL)

STIPULATED ORDER FOR AN EXTENSION OF TIME FOR  
SPECIFIED DEFENDANTS TO FILE AN ANSWER TO  
PLAINTIFF'S FIRST AMENDED COMPLAINT

Plaintiff Arch Insurance Company ("Arch") and Defendants John D. Agolia, Leo Breitman, Nathan Gantcher, Tone Grant, David V. Harkins, Scott L. Jaeckel, Dennis A. Klejna, Thomas H. Lee, Peter McCarthy, Joseph Murphy, Frank Mutterer, Richard N. Outridge, Ronald O'Kelley, Scott A. Schoen, William M. Sexton, Gerald Sherer and Philip Silverman (collectively, the "Specified Defendants") jointly file this Stipulated Order for an Extension of Time for Specified Defendants to Answer Plaintiff's First Amended Complaint for Declaratory Judgment.

WHEREAS, on February 22, 2008, Arch filed a First Amended Complaint for Declaratory Judgment ("FAC") in the action captioned *Arch Insurance Company v. Agolia, et al.*, Index No. 08/600029 (Supreme Court, New York County, New York), which named as defendants, among others, the Specified Defendants and Eric G. Lipoff ("Lipoff");

WHEREAS, on April 28, 2008, the Specified Defendants responded to the FAC by filing a motion to dismiss or stay Arch's action (the "State Court Motion to Dismiss")

pursuant to Rules 2201 and 3211(a)(4) of the New York Civil Practice Law and Rules in favor of a separate action in this Court against Arch – *Murphy, et al. v. Allied World Assurance Company, et al.*, Case No. 08-CIV-4196 (GEL) (S.D.N.Y.) – which Arch opposed on May 8, 2008;

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**WHEREAS**, on June 9, 2008, prior to a ruling on the State Court Motion to Dismiss, Lipoff removed Arch's entire action to this Court pursuant to 28 U.S.C. § 1452;

**WHEREAS**, neither Arch nor the Specified Defendants intend to file a motion to remand the case pursuant to 28 U.S.C. § 1447(c).

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, who have been duly authorized by Arch and the Specified Defendants to enter into this Stipulation, as follows:

1. Arch and the Specified Defendants will not file a motion to remand this action to the New York State Supreme Court;
2. The Specified Defendants withdraw the State Court Motion to Dismiss;
3. The Specified Defendants' time to file an Answer to the FAC is extended to and including July 28, 2008; and
4. The Specified Defendants will not take any action before July 28, 2008 to seek payment of defense costs from Arch, whether by injunction or otherwise.

Date: June 21, 2008

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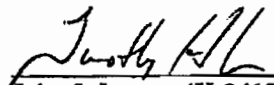
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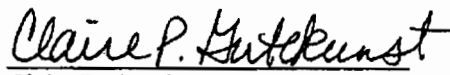
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**SO ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2008**

By: \_\_\_\_\_

Gerard E. Lynch  
United States District Court Judge



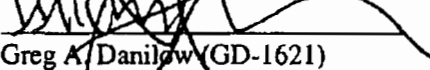
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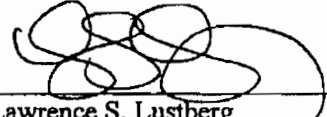
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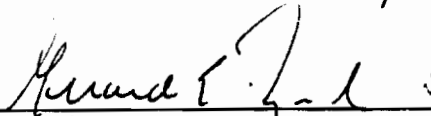
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